

the court in *U.S. v. Eichman*, another 5-4 ruling, by the way, struck down a Federal statute prohibiting the physical desecration of the flag despite the court's own conclusion that the statute was content-neutral.

In the years since these two rulings were handed down, 49 States have passed resolutions calling upon this Congress to pass a flag protection amendment and send it back to the States for ratification. Although a constitutional amendment should be approached only after much reflection, the U.S. Supreme Court's conclusions in the *Johnson* and the *Eichman* cases have left the American people with no other alternative but to amend the Constitution to provide Congress the authority to prohibit the physical desecration of the American flag. The amendment enjoys strong support throughout the Nation, indicating that it will likely be adopted by the States should this Congress approve the language.

I urge my colleagues to approve this rule and move to full debate and pass H.J. Res. 36.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, this rule allows the well-settled law of this nation to be called into question at the whim of special interest groups who disagree with the value we Americans place on freedom of speech. By allowing this debate to occur, the leadership has signaled its intention to favor its ideological companions without regard for legal precedent or constitutional muster.

In 1989 the Supreme Court was faced with a difficult balancing test. *Texas v. Johnson*, 491 U.S. 397, forced the court to examine whether the interests of this nation in protecting the symbol of its freedom are outweighed by the individual freedoms of its citizens. The Court did not shy away from this dilemma, holding that the government cannot prohibit the expression of an idea society finds offensive, and that not even the flag is recognized as an exception to this principle.

Following this rights-affirming decision, Congress passed the "Flag Protection Act of 1989," which attempted to criminalize the conduct of those who might use the flag for free speech purposes. The next session the Supreme Court invalidated this law on the same grounds it ruled on during its previous session. The Court held that attempting to preserve the physical integrity of the flag is only related to the flag as an article of speech or conduct in *United States v. Eichman*, 496 U.S. 310 (1990).

Now, Mr. Speaker, over ten years later, Congress is again attempting to impermissibly affect the ability of citizens to speak freely by taking the notoriously grave step of amending the Constitution of the United States. Supporters of this amendment argue that the step is warranted considering the Supreme Court's opinion on the flag; I contend the Supreme Court's opinion requires my opposition to this rule.

Mr. Speaker, it has almost become cliché to point out that we are a nation of laws, not persons. However, in this circumstance, that is exactly my point. The Supreme Court has spoken in an unambiguous way about the bal-

ancing of interests between the flag and the rights of individuals. On two separate occasions the right of individuals to speak has won.

Instead of honoring the decisions of the Court, and thereby respecting the separation of powers within the federal government, the House leadership instead chose to play politics with the law. On this day we begin subjecting legal opinions to the whims of the legislative branch in a new and chilling way. Any coalition with close enough ties to the majority might hope to see their pet project ratified as an amendment to our Constitution.

Mr. Speaker, not only this resolution, but also this very debate cast a long shadow over our long history of separation of powers. I contend it is our rights as citizens and our legal system that suffer. I oppose this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### COMMENDING MILITARY AND DEFENSE CONTRACTOR PERSONNEL RESPONSIBLE FOR SUCCESSFUL BALLISTIC MISSILE TEST

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001, and for other purposes.

The Clerk read as follows:

H. RES. 195

Whereas at 11:09 p.m., eastern daylight time on July 14, 2001, the United States successfully tested an interceptor missile against a target Minuteman intercontinental ballistic missile in flight;

Whereas the target missile was launched from Vandenberg Air Force Base, California, and was traveling at approximately 140 miles above the Earth at a speed of greater than 11,000 feet per second, which is more than three times faster than a high-powered rifle bullet, when struck by the interceptor missile;

Whereas the interceptor missile was also traveling at a speed greater than 11,000 feet per second at the time of impact;

Whereas more than 35,000 Americans contributed to the successful test, including the Air Force team which launched the target missile from Vandenberg Air Force Base and the Army team which developed the radar and kill vehicle, the Navy and Coast Guard team which provided security for the test, the Ballistic Missile Defense Organization team which supervised the testing program, and the contractor team consisting of thousands of American scientists, engineers, and blue collar workers employed by the prime contractors and hundreds of small businesses; and

Whereas the House of Representatives understands that testing of ballistic missile defenses will involve many failures as well as successes in the future, the House of Representatives nonetheless commends the ef-

fort and ingenuity of those who worked so hard to make the test a success: Now, therefore, be it

*Resolved*, That the House of Representatives thanks and commends the thousands of United States military and Government personnel, contractors, engineers, scientists, and workers who worked diligently to make the July 14, 2001, missile defense intercept test a success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans sometimes do great things. At 11:09 p.m. Eastern Standard Time last Saturday, the work of some 35,000 Americans, including service personnel from the Air Force, the Navy, the Coast Guard, and the Army combined to produce a wondrous success in our missile defense testing program.

□ 1100

It was extraordinary, Mr. Speaker. We had an interceptor that was launched from Vanderbilt Air Force Base in California, heading west, achieving a speed of some 11,000 feet per second, or more than three times faster than a high powered rifle bullet; and an interceptor was launched from Kwajalein Island, also achieving a speed of close to 11,000 feet per second, also going much faster than a rifle bullet; and at 11:09 eastern time that interceptor successfully hit the target vehicle and destroyed it 148 miles above the Earth over the Western Pacific.

Mr. Speaker, I think Americans need to draw a number of conclusions from this very successful test. First, it is absolutely appropriate that we in the House of Representatives commend all the great people who worked on this program, and we intend to do that fully. Of course, the Army developed the radar and the kill vehicle working from their missile defense headquarters in Huntsville, Alabama. The Air Force in this case launched the Minuteman missile, which was the target missile, from Vanderbilt Air Force Base. We had Navy and Coast Guard monitoring and providing security in the Pacific. So we had thousands and thousands of men and women in uniform supporting these tests, all the way from folks who were doing basic security work to folks who were doing some very high-level physics work.

Along with that, we had lots of Americans, scientists, engineers, blue-collar workers, some working for major contractors and others working for small business. One thing we have learned in this missile defense business is that the innovators, sometimes the smartest guys, are in the companies with 20, 30, 40, 50 people, and all of these people combined to produce a success that was stupendous. It was remarkable.

The idea that people, you could raise two high-powered rifles, so to speak, farther apart than Los Angeles and New York, and shoot at a point toward the center of the country, and those two high-powered rifle bullets would hit precisely together at a point over the Midwest, is an extraordinary thing. It is something that many people thought was impossible.

So I think it is entirely appropriate for the full House, on both sides of the aisle, regardless of what your position is on the ABM treaty or missile defense, to commend the wondrous efforts of the men and women of our uniformed services, and also all the folks working in business to make this thing work, all the contractor personnel who made it go.

Secondly, I think we have to acknowledge we have got a long road ahead in this program. As our resolution states, we are going to have lots of successes; we are going to have lots of failures. I am reminded that with Polaris, the Polaris tests numbered over 120, and it failed more than 50 percent of the time. The first time we put up surveillance satellite capability, our first 11 launches failed before we succeeded. Yet that was a very important capability to achieve.

So you have to have lots of failures. In fact, if you test rigorously, if you make these tests as difficult as you possibly can, while still learning a lot, you are going to have failures. I think we will have failures in the future, just as we are going to have failures with our other theater missile defense systems. But, nonetheless, Mr. Speaker, we have proven that not only can you hit a bullet with a bullet, but you can hit something going three times as fast as a bullet with an interceptor going three times as fast as a bullet, and that is truly extraordinary.

Mr. Speaker, this is a good day for America. It is a great milestone in this missile defense program that we have. We have a lot of hard work ahead. We have got lots of challenges, these tests will get tougher and tougher; and in the future, of course, we will have failures as well as successes.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to join the gentleman from California (Mr. HUNTER) in support of this bill, as a cosponsor of the bill, as well as the floor manager for the bill on our side of the aisle.

The road to Saturday's successful intercept has been long and arduous; and we have miles to go before we can say we have gotten there, even gotten to the point where we have what we call a limited defense system capable of defending us against rogue missile attacks, simple rogue missile attacks, or perhaps unauthorized or accidental strike. We have a long way to go, and we should not let the euphoria of this moment obscure that fundamental fact.

Indeed, if we have learned anything since March 23, 1983, when Mr. Reagan made his speech and proposed what became the Strategic Defense Initiative, it is that missile defense is not likely, unfortunately, to make nuclear weapons impotent and obsolete. It may enhance deterrence, but it is unlikely to replace deterrence. That is a fundamental point.

Nevertheless, I think enhancing deterrence is a worthy goal. I think that if we can prove through testing, like the tests that we held Saturday night, rigorous testing, that gets more and more demanding and challenging with each test, that eventually takes on countermeasures as well, if we can prove after this kind of rigorous testing that we have a system worthy of deploying, that will give us limited protection against the kind of threat I just described, it is worth deploying; and I think it is worth observing what was accomplished Saturday night, because it moves us in that direction.

Let me emphasize that testing is critical. I have been a long-time supporter of that. We do not want to fool ourselves into thinking that we have got a system that can take on this daunting challenge when, in fact, it can easily be overcome or is not capable of what it is touted to be. We do not want to fool ourselves by deploying some kind of scarecrow system.

We associate ballistic missile defense with Mr. Reagan's speech on March 23, 1983; but in truth both administrations, the Clinton administration, the Reagan administration, the Bush administration, going all the way back to Lyndon Baines Johnson in 1967, have supported missile defense in one form or another.

Indeed, the safeguard system originated in 1967 with President Johnson's administration. It was taken to the point that it was deployed. The Spartan system failed a number of times. No one felt that it was a complete and good defense system; and after spending what would amount in today's money of about \$20 billion, we abandoned the system in North Dakota.

We kept spending money on ballistic missile defense in Democratic and Republican administrations. There were systems that have long been forgotten, like the BAMBI, which was a boost-phase interceptor, which was abandoned because it could not be proven to be invulnerable to counterattacks in fixed orbits in space.

Indeed, the path to Saturday night is littered with systems that simply could not meet the mettle. We have spent a lot of money, \$60 billion since 1983, to get where we have gotten; but we have had some successes, and I think it is right to take some time aside to savor those success.

I think the gentleman from California (Mr. HUNTER) would agree we should not forget that this was not the first intercept with this system. Indeed, the first intercept occurred 2 years ago under the Clinton administration. This was a Clinton administra-

tion system. They in effect brought the technology to the point where it could be tested Saturday night and proven to work at least in those circumstances.

Mr. Speaker, when the test was concluded, General Kadish, who is doing a commendable job as the manager of this program, a very practical, pragmatic man, told everybody there, all the press there, when they asked him what should we deduce from the success we just had, he said if you just lower the level a little bit and let us proceed in a rigorous disinterested way, let us not get too excited about this thing, let us do our work, we think we can prove to you that we have got something worthy of deploying.

I think it is very, very fitting and very, very appropriate for us to rise today to commend the thousands of people who have made this a success.

While we are at it, I think we might commend a lot of other people in the so-called military-industrial complex, which is what we call them when we are usually disappointed, when we are usually confounded by the bills they present us, when we are usually suspicious of what they are up to.

When they succeed like Saturday night, we call them the arsenal of America. There are a lot of people out there are working in the arsenal of America making the F-22 meet its test every day. There are a lot of them working in other programs, like the THAAD, which was almost discarded. We gave it some extra money and another chance. They went out and made it work. They have just brought to fruition the PAC-3.

So there are successes, and we should commend them for their enormous technological capability, their perseverance and ability that brought us this far. I hope that this sort of bipartisan occasion today is an example of how we can treat ballistic missile defense in the future. It has been a political totem, frankly. I would like to see it treated like any other weapons system, the F-22, the C-17, you name it. If it meets the mettle, we go forward with it; but if it does not, it should be held to the same standards, truly with the same sort of rational examination and expectation we would any military system.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, leaders of China and Russia have just kissed, signed an agreement, and referred to Uncle Sam as an imperialist. China got our secrets from spies and from buying, with the help of Janet Reno. Russia got them from the FBI and Robert Hanssen. All of our enemies know our technology.

I was not an original supporter of the Star Wars initiative, but I am now. America cannot be defended by the neighborhood crime watch. When they took our spy plane, I do not know what

the big crisis was; China made everything that was in it.

We have got a tremendous problem on our hands, and the only way to protect the American people is to continue with our technology buildup to provide a reasonable shield.

This test, and I commend all of those involved, gives us hope for the beginning of an initiative started by former President Reagan, and I commend him here today. He had the vision and the foresight to see that America would be challenged by maybe even rogue nations with nuclear capability that was illegally gained from America.

Beam me up here.

I want to join the gentleman from California (Mr. HUNTER) in saluting all of those involved, and recommend to the Congress of the United States that we go forward and continue to fund this initiative. Our number one priority is national security, and we should get that job done.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman from South Carolina for yielding me time.

Mr. Speaker, apparently I am the only person who is going to come out here and raise a question. Everybody who has watched the military industrial complex develop weapons systems must be amazed that the day after something happens in the Pacific, we run out on the floor in this virtual reality Congress to make a PR event, which will be in the newspapers, as though we have succeeded. Now we must put out \$60 billion or \$100 billion.

If you listen carefully to the words of the gentleman from South Carolina (Mr. SPRATT), this thing has failed over and over again. This is only the second time out of four, in a system where you put the problem out there and you have the answer, and you shoot at it, and two out of four times you have missed.

Now, how can anybody be excited about a system like that? If I know what the pitcher is going to throw and I stand here, I am going to hit it. Everybody knows that. That is why they hide the pitcher's signals between the catcher's legs. They do not want people to know at bat what the pitcher is going to throw. But here we have this system, right here and right here, and twice we missed it; and we are out here congratulating.

I do not say anything about the employees. Boeing has worked on all kinds of these programs, but we never came out and congratulated them the first time they succeeded. This is simply to build up a momentum in this society for a system which, as the gentleman from Ohio (Mr. TRAFICANT) says, is driving the Chinese and the Russians together.

To put this system up, we have to tear up the ABM treaty. The Russians have said do not do it; it has kept peace for 50 years. The Chinese have said do not do it.

□ 1115

Why are we out here whipping up the public to believe this is a good idea?

I am going to vote against the resolution; not against the people, but against the purpose of it.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

I think one aspect of this resolution that the gentleman from South Carolina (Mr. SPRATT) and I have coauthored is that it does not speak to the politics of missile defense or the ABM Treaty or the relationship of the Soviet Union and the United States. What it does speak to is a technological challenge that we gave lots of people, many of whom make great sacrifices to work in the uniform of the United States or who go to work everyday in various places around this country, working either for the government or for private business, whether they are physicists or engineers or blue collar workers, working on a program that I would state again is monumental in its success.

Once again, both of these systems were going three times faster than a high-powered rifle bullet, and they collided 148 miles above the earth, some 4,800 miles off into the Pacific, an extraordinary thing. It is like having somebody stand in San Diego with a high-powered rifle shooting to the center of the country and somebody standing in New York doing the same thing, except the high-powered rifles really went three times as fast as an ordinary high-powered rifle, and having those little bullets collide in midair.

Now, I think that is an extraordinary thing. Indeed, it is something that a lot of critics of this system said was impossible: hitting a bullet with a bullet. But I think if we look at the resolution that the gentleman from South Carolina (Mr. SPRATT) and I have cosponsored, it does not say that this is the end of the line and that somehow we have now achieved absolute defense against incoming ballistic missiles.

What it does say, and I quote: "The House of Representatives understands that testing of ballistic missile defenses will involve many failures as well as successes in the future. The House of Representatives, nonetheless, commends the effort and ingenuity of those who worked so hard to make the test a success."

Mr. Speaker, when Billy Mitchell came back to the Coolidge administration in the 1920s, one of his messages was that we had entered the age of air power, whether Americans liked it or not. He recommended to a then Republican administration that they spend a lot of money developing air power. Well, we had a number of budget hawks who did not want to do that, and we did not do as much as we should have. As a result of that, we were not as ready as we should have been for World War II.

Well, today, Mr. Speaker, and particularly since the Gulf War when Americans were killed for the first

time with ballistic missiles fired by Saddam Hussein, we realize that we live now not in the age of air power but in the age of missiles. When we look at the array of military systems across the board that we have, and the gentleman from South Carolina and I work on a daily basis with lots of other great Democrat and Republican members of the Committee on Armed Services, we know that we build systems to stop ships. We build systems to detect submarines. We build systems to handle tactical aircraft, fighter aircraft. We build systems to take down bombers. We build systems to handle and that can handle capably just about every type of offensive weapon that an enemy could throw at us, except one.

So the one question I have always asked the Secretary of Defense when he appears before myself and the other members of the Committee on Armed Services is: Could you today, could you today stop a single incoming ICBM, Intercontinental Ballistic Missile, coming into an American city? And the answer always is, whether it is a Democrat or Republican administration: No; today we cannot do that.

Well, that is what we are working toward, Democrats and Republicans, people in uniform and people out of uniform, is to achieve that capability.

I think that it is very important for us to understand, and the reason the gentleman from South Carolina (Mr. SPRATT) and I put this language in, acknowledging that there are going to be failures in this testing program as well as successes and the difficulty of this program. We are going to have decoys. That is, when the offensive missile puts its warhead, projects its warhead off of the booster system, it is going to have perhaps decoys that would attract the interceptor missile; and the interceptor missile would end up hitting decoys, not being able to discriminate between a decoy and a real warhead. We have to work that problem. We have to be able to handle that problem.

We are going to have, in some cases, perhaps evasive maneuvers. We are going to have lots of problems. We are going to have in some cases multiple shots; that is, a number of warheads coming in that we have to handle at one time. We may have to handle the effects of a nuclear burst at some point.

On the other hand, Mr. Speaker, the alternative is for us to do nothing. The old saying is, "You don't do anything until you can do everything, so you do nothing;" and I think that is an inappropriate position for the United States to take. If we do not try to build a defense and do not try to develop this interception capability, this will be the first time in this century that the United States has looked at a weapon, at an offensive weapon, and decided that they are not going to try to learn how to defend against it. I think that would be a mistake.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Let me just take a minute to comment on the legislative history of this resolution.

I first learned of this resolution when I got a call yesterday afternoon from the gentleman from California (Mr. HUNTER) on the golf course. He had his staff busy at work on this, and he wanted to send me a copy of it. Over the evening, we proposed a number of changes to the preamble and to the resolving clause. The gentleman from California (Mr. HUNTER), to his credit, acknowledged our purpose, which was to confine this resolution to the purpose at hand; that is, commending those who have accomplished what is a daunting feat. It is done every day, but this is a particularly daunting feat. It was a big challenge. So we want to send them a message of commendation. We took out references as to how much we should infer or read from this particular success as to whether or not we would one day have a big missile field over the country so that those who disagree could at least send a word of commendation to the people who have so ably pulled off this test.

Mr. Speaker, I commend the gentleman from California (Mr. HUNTER) for working with me, but I want to say to my side that this is a much pared-back resolution which we resolved through genuine compromise and I agreed to cosponsor about 1 minute before this debate began.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, that was a good decision, I might say to the gentleman.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Although I am proud of the men and women in our military service and those working for defense contractors who were part of this success, I have to rise in opposition to the resolution for several reasons, first, in terms of process. As the gentleman from South Carolina said, this resolution was never considered by the Committee on Armed Services. It was just brought to the attention of the minority yesterday at 5 o'clock. There was no consultation with the minority until then. I think many Members really do not have a grip on the implications of what it is we are voting on.

Second, precedent. This resolution commends the U.S. military personnel and contractors for the apparently successful national missile defense tests of last Saturday. BMDO says it will conduct 10 more tests in the next year. So do we pass a resolution each time it hits? Should we pass a resolution each time it misses? Because there are some Members who would want to do that, although I am not one of them. Would the majority support their right to offer such a resolution? What kind of precedent are we setting? Will we feel

compelled to vote every time a major weapons system passes a milestone? The F-22, for example. Why not pass a resolution every time a community gets a COPS grant or a housing grant?

My third objection is substance. General Kadish, in the post-test briefing, cautioned that scientists could need months to finish analyzing the test results: "We do not know for certain that every objective was met," he said. "In all probability, some of them were not." I believe it is irresponsible to put the House on record before there has been a full analysis.

Now, the gentleman from Pennsylvania (Mr. WELDON) on the Republican side, who has worked on this issue for years, and I do not see eye to eye on missile defense very much, but together we sent a "Dear Colleague" last week urging Members not to rush to judgment on the test results, positive or negative. We quoted General Kadish: "I do not believe it is helpful to overplay our successes or failures." This resolution runs counter to the spirit of his plea. It is not productive. When the gentleman from Pennsylvania (Mr. WELDON) and I can actually agree on something related to missile defense, we hope a few other Members will listen.

Finally, politics. This resolution will not help solve NMD's technological problems. It will not resolve the ABM Treaty issues. It will not get us to deployment any faster. In my opinion, it serves no purpose other than a political one. The best thing we could do for national missile defense is to reduce the political and ideological motivation and focus on the technology, on the strategic and security issues.

For those reasons, I believe this resolution is ill-advised and should be withdrawn or defeated.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Let me just remind my colleague who just spoke that there are a couple of things that General Kadish did agree on with respect to the test. First, the intercept was made. The interceptor missile, traveling three times the speed of a high-powered rifle bullet, fired from Kwajalein Island did intercept a target missile coming from Vandenburg that also was going three times the speed of a high-powered rifle bullet. Literally, a bullet hit a bullet 138 miles above the earth in the mid-Pacific. That is a fact.

It is true that we monitored this test with a lot of technology, that it is an in-depth test. There is a lot of analysis going on right now, and we are going to see how much information we harvest from this. But I would just tell my friend that I went on record before this test happened saying that I was going to support the continued funding of this program, whether it succeeded or failed, because I believe that this is an important national priority. That is my position.

But, nonetheless, if the gentleman looks at the enormity of American ef-

fort that went into this test, over 35,000 people in the uniformed services and out participating; and if this was a space shot, if this was an exploratory shot into space involving the Challenger or some other aspect of what I would call domestic space exploration, this test would have been given great publicity and great kudos by the media and the United States. I would remind my colleagues, these folks in the uniformed services who work on missile defense work just as hard, put in just as many hours and are just as ingenious as the folks that work on domestic space exploration.

I thought it was absolutely fitting, and I still do, to give them recognition. We have made it very clear. We say that there are going to be lots of failures as well as successes, and we understand that. This is not an attempt to change the ABM Treaty. It is an attempt to acknowledge the American genius that played itself out on Saturday night.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank my colleagues for bringing this very important resolution to the floor.

I think about what I have heard this morning, and it occurs to me that some things that we debate here are not very clear, but others are quite clear. National security is spoken of in the Constitution as one of our primary responsibilities.

I do not really see this as a political or as a public relations issue. It is a philosophical issue. The gentleman from California (Mr. HUNTER) and others and myself believe that strong national security, the protection of our families and our country against foreign aggression with missiles is very important to our future. This was a milestone. A technically very difficult assignment was met. It was successful, and we are moving in the right direction.

In this day and age, when philosophies clash here, I think it is important to set the record straight: This is about sound science; this is not science fiction. We have the ability to produce this protective system. It can be done only by continued effort to protect this country and future generations. And I applaud the gentleman from California (Mr. HUNTER), I applaud our men and women in uniform, and I think it behooves us to continue to support this resolution and to make sure that this country, both space and space inside and outside, are protected. I think this resolution is very timely.

□ 1130

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I sent a letter to Secretary Rumsfeld today which cites reports that certain modifications were

made to the test vehicle and warhead to greatly increase the likelihood of success.

In the letter, I state that Congress must know which modifications were made, how they contributed to the success, and the likelihood that such modifications could be used in a real engagement of the missile defense system.

I asked if the kill vehicle or dummy warhead employed a GPS, global positioning system, and if so, at what stages was the GPS system used.

I asked, did the kill vehicle or dummy warhead employ a C-band radar system, and if so, at what stages was the C-band radar system used.

I asked, did either the GPS system or C-band radar system communicate with or reveal any information to the Target Object Map.

I asked if the software modifications to the tracking computer or infrared tracking system provided information to the kill vehicle not normally available in a real-life scenario.

I think before Congress acts on such a resolution, it would be nice to get an answer to some of these questions. Otherwise, what we have is a situation here where we are into a dark fantasyland, where the threat of a nuclear strike against the United States is being exaggerated or it is nonexistent.

Our task as Nation and as a world should be to get rid of existing nuclear arms, to stop nuclear proliferation to new countries, to deal with arms control and arms elimination.

We have people who are actually predicting nuclear war in the future. We are back to the days of the Cold War. We have a responsibility to work for peace, not through nuclear proliferation, not through nuclear rearmament, not through building bigger and better missile systems or systems which defeat the ABM treaty or the nonproliferation treaty, but through the painstaking work, the daily work of diplomacy, of human relations, of seeking cooperation between nations.

It is fascinating that we have technology to restart the arms race, that we have technology which violates the nonproliferation treaty, that we have technology which violates the ABM treaty. But it would be even more fascinating if we used this opportunity to start a new dawn of peace where we get rid of nuclear weapons once and for all.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, today we are debating a resolution commending defense contractors and the military for the ballistic missile defense test of July 14, 2001. This test, not the personnel, mind you, but this test, is really something to condemn, not to commend.

The defense industry and the Pentagon have now passed their half-scaled-down, simplified test. This is really nothing to celebrate. When our

schools have that failure rate, the President wants to close them down. The military-industrial complex is apparently held to a much lower standard.

More fundamentally, this test moves us ever closer to violating the anti-ballistic missile treaty. We signed and ratified the ABM because we recognize that missile defense systems could destabilize more than they could protect.

We cannot go back on our word and abandon this treaty. Peace is really our national security. We cannot be a nation that approaches nonproliferation while really practicing escalation, and that is what this test has taken us down the road to. Instead of leading the way towards responsible disarmament, we are unraveling arms control agreements.

We must be a nation that decides where we really want to go. Do we want to go down a path to a new arms race, or forward to a real post-Cold War peace?

Attempts to build a national missile defense system are really not enhancing our national security, they are destabilizing the world, which I heard over and over again just 2 weeks ago from our European allies. Violating treaties does not make the world a safer place.

Congress should not be celebrating spending billions and billions of dollars on national missile defense. We should be standing by our treaty agreements, we should be working to end nuclear proliferation, and we should be spending that money on vital national needs, such as health care, education, and housing.

Yes, there are dangers in the world, but missile defense systems will spark new arms races, nuclear proliferation, violated treaties, and destabilizations, and also billions in spending. These are the fruits of missile defense. That is nothing to celebrate.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say that all Americans remember the fact that some 19 Americans were killed in Desert Storm by ballistic missiles. Those Americans who were killed by those incoming Scuds were not killed by tanks, they were not killed by machine gun fire, they were not killed by fighter attack aircraft, they were killed by ballistic missiles.

Those Scud missiles were going faster than a bullet, and we threw up some Patriot missiles, defending against those incoming Scuds. We got some, we missed some. There is a discrepancy as to how many we got and how many we missed. But at the end, when the smoke cleared, 19 Americans were dead and some 500 were wounded.

We have troops around the world, and at some point, and I think we have reached that point, we have to acknowledge that we are squarely in the age of missiles. Missiles will kill Americans in the future, I think we can predict that, unless we build defenses.

The idea that unless we build a perfect defense, we do not have any defense, does not make any sense. Certainly some of those young people who were in Saudi Arabia who were the targets of those Scud missile attacks did come home alive because some of those Patriot missiles that we had defending against the attacks did hit their targets, and some of those Scuds were knocked out of the sky before they could kill Americans.

We have slow missiles, the Scuds; we have medium-speed missiles, the missiles like the SS-20s; and we have very high-speed missiles, like the Minuteman missiles like the target we shot at over the Pacific.

It is very clear these tests are going to get tougher. They have to get tougher to replicate what we think will be operational conditions. We are going to have lots of misses in the future. But for us to not pursue this capability to defend our troops and our people in American cities would be disregarding our obligation as a Congress of the United States to preserve national security.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Saturday night, in the euphoria after the test, General Kadish warned against reading too much into this single test. He warned specifically that we have a long way to go before we have a system we can deploy.

I think, at this moment and in days ahead, we should bear his caution in mind and take his prudence to heart. This test shows that the technology for an operational system is within our reach, and that is good news. This was a daunting feat. That is why I support this commendation. But it is not yet within our grasp.

We should continue with this ground-based system, we should commend the people who were developing it, testing it. They are working hard, and they deserve our gratitude. But we should not fool ourselves. Challenges remain. This system should be held to the same standards as any other weapons system before we make the decision to deploy.

Mr. Speaker, I think it would probably be appropriate to quote Churchill after North Africa at this point, who was asked, "What does this signify?" He said "It is not the end. It is not even the beginning of the end. It is, perhaps, the beginning of the beginning."

Maybe we are a bit farther ahead than that, but that is where we stand. We should not get too carried away or euphoric about one single test. There are many more to come.

This resolution itself says we had better be prepared for failures, because they are likely to happen, particularly if the program does what we have asked it to do, and that is begin with the simple and move to the complex; add with each test more rigor, more

difficulty, countermeasures, and other things. We are going to see failures before we have a system that we can judge.

One further point, and it is a critical point. This system, the ballistic missile system and all its components, is different from other weapons systems in the sense that it is affected and controlled by a treaty called the ABM treaty of 1972.

This treaty, some support it, some do not, but in any event, it is an integral part of our arms control relationship with the Soviet Union and today with Russia. It underlies START II, it makes possible START III, and we must be careful not to create a rupture with Russia over the provisions of the treaty. In anything we do, we should try to make it treaty compliant, or at least make it possible by a mutual amendment to the treaty.

If we deploy this system and create a rupture in our relationship with Russia, if we abrogate the ABM treaty and simply walk away from it defiantly, we can see the Russians, as they have threatened, pull out of START II, forego START III, and call an end to cooperative threat reduction, which has removed hundreds of warheads that were a menacing threat to us.

If we did that, if that was the end result, then the net result for our national security would be a greater threat and not a lesser threat as a result of deploying ballistic missile defense. Those sober words need to be borne in mind as we pass this celebratory resolution.

Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. Kucinich).

Mr. KUCINICH. I think we can all appreciate the work of all Federal employees who work in defense-related matters, but that is not really what this resolution's subtext is about. This is an attempt to approve a process which violates the ABM treaty and which, in its essence, will restart the arms race.

There is no reason for the United States and Russia and China to be engaged in a showdown over nuclear arms. We need to get rid of nuclear weapons, we need to enforce our arms treaties, and we need not to move forward with this Star Wars program which wastes taxpayer dollars and which diverts us from the necessary work of building a new peace in our world.

Mr. HUNTER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

I think it is interesting, the debate over this system, as to whether the science is there or not, because I recall a time 30 years ago when President Kennedy, with great courage, said, "We will put a man on the moon by the end of this decade," and we did not have any of that science, but we achieved it.

When this Nation can put itself behind a project, it will succeed.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to conclude this debate, we are saying to the men and women of the Armed Services, to the men and women of the Ballistic Missile Defense Organization, and all those folks in big and small businesses, the 35,000 people that made this test a success, good work. It was a job well done. Now let us roll up our sleeves and go on to the next challenge.

#### GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to to revise and extend their remarks on this legislation.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT) mentioned a golf course. The Republicans did beat the Democrats in the annual golf tournament yesterday, with the leadership of the gentleman from Ohio (Mr. OXLEY). I know he will be interested in that.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, House Resolution 195.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### CONTINUING NATIONAL EMERGENCY WITH RESPECT TO SIERRA LEONE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-102)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C.

1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sierra Leone that was declared in Executive Order 13194 of January 18, 2001.

GEORGE W. BUSH.  
THE WHITE HOUSE, July 17, 2001.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately noon.

Accordingly (at 11 o'clock and 44 minutes a.m.), the House stood in recess until approximately noon.

#### □ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at noon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in following order:

S. 360, by the yeas and nays;

H. Res. 195, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

#### HONORING PAUL D. COVERDELL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 360.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 360, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 330, nays 61, answered "present" 11, not voting 31, as follows:

[Roll No. 229]  
YEAS—330

Ackerman	Barton	Boswell
Aderholt	Bass	Boucher
Akin	Bentsen	Boyd
Allen	Bereuter	Brady (PA)
Andrews	Berry	Brady (TX)
Armey	Biggert	Brown (FL)
Baca	Bilirakis	Brown (SC)
Bachus	Blagojevich	Burr
Baird	Blumenauer	Burton
Baker	Blunt	Buyer
Baldacci	Boehert	Callahan
Ballenger	Boehner	Calvert
Barcia	Bonilla	Camp
Barr	Bono	Cannon
Bartlett	Borski	Cantor